

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. PISKANIN, )  
Plaintiff, ) Civil Action No. 07-262  
v. ) District Judge Kim R. Gibson  
PENNSYLVANIA DEPARTMENT OF ) Magistrate Judge Lisa Pupo  
CORRECTIONS (DOC), ET AL., ) Lenihan  
Defendants. )

**MEMORANDUM ORDER**

The above captioned case was initiated on October 7, 2007 by the filing of a Civil Rights Complaint without submitting the filing fee or moving to proceed in forma pauperis. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On October 18, 2007, this Court issued an Order directing Plaintiff either to pay the \$350.00 filing fee or file a Motion to Proceed In Forma Pauperis and provide a certified accounting statement signed by the records officer at the prison no later than October 31, 2007 (doc. no. 3). The Order further advised Plaintiff that his failure to pay the filing fee or submit the motion by October 31, 2007, would result in a recommendation to

the District Judge that this action be dismissed for failure to prosecute.

When nothing was received by Plaintiff, on November 7, 2007, the Magistrate Judge issued a Report and Recommendation (doc. no 4) recommending that the Complaint be dismissed based upon Plaintiff's failure to prosecute this action by failing to comply with the Court's October 17, 2007 Order. On November 16, 2007, Plaintiff filed Objections (doc. no. 5) wherein he stated that he was required to pay \$15.00 to obtain his account statement. In response, on November 19, 2007, the court ordered Plaintiff to file the filing fee or an IFP motion accompanied by his account statement by December 21, 2007.

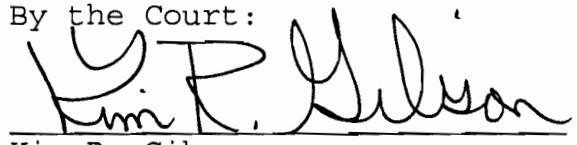
It is now January 8, 2008 and Plaintiff has yet to file the filing fee or an IFP motion accompanied by his account statement. His action can not be prosecuted without one or the other and two weeks has passed since the Court's December 21, 2007 deadline. After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

**AND NOW, this 8<sup>th</sup> day of January, 2008;**

**IT IS HEREBY ORDERED** that the Complaint in the above captioned action is **DISMISSED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 4) of Magistrate Judge Lenihan, dated November 7, 2007, is adopted as the Opinion of the Court.

By the Court:



Kim R. Gibson  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Michael Piskanin, GG - 2457  
SCI Cresson, Drawer A  
Old Route 22  
Cresson, PA 16699-0001